

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COLUMBIA PICTURES
INDUSTRIES, INC., *et. al.*

Plaintiffs,

v.

GARY FUNG, *et. al.*

Defendants.

CV-06-05578 SVW (JCx)

**STIPULATION REGARDING
MOTIONS AND *EX PARTE*
APPLICATIONS**

WHEREAS, with the trial in this matter currently scheduled for November 5, 2013, the parties recognize that the normal schedule for noticed motions for matters before the Magistrate Judge may not be practical, but the parties nevertheless desire to provide for fuller briefing than provided under the Local Rules for *ex parte* applications;

NOW, THEREFORE, subject to the Court's approval, Plaintiffs and Defendants hereby STIPULATE and AGREE that the following terms and protocols shall govern motions and *ex parte* applications filed with the Magistrate Judge in the above referenced case:

1. Service by email shall be deemed service by hand for all purposes, including calculating response dates.
2. The Local Rule 7-3 "waiting period" for the filing of motions following the conference of counsel shall be reduced to two (2) business days.
3. Unless notice is otherwise provided pursuant to Paragraph 4 below, the parties agree to file *ex parte* applications before the Magistrate Judge on the following briefing schedule: The opposition to an *ex parte* application shall be due by 3:00 p.m. Pacific Time on the fourth business day following the

1 filing; and the moving party's reply, which shall be permitted, shall be due by
2 the end of the second business day following the filing of an opposition.

3 Pursuant to Magistrate Judge Chooljian's Individual Rules, unless otherwise
4 ordered by the Court, including upon a request of a party, a hearing may be
5 noticed for the next available Tuesday, at 9:30 a.m. Pacific Time, so long as
6 the noticed hearing date is no less than seven (7) calendar days from the date
7 of the filing of the reply.

8 4. Provided it gives the notice described herein, any party, in its discretion, may
9 determine that a matter is particularly urgent and, accordingly, may file an
10 emergency *ex parte* application before the Magistrate Judge that does not
11 comply with the briefing schedule in Paragraph 3 above, but rather requires
12 compliance with the normal *ex parte* procedures provided for in the Local
13 Rules. In such a case, the moving party shall provide email notice to the non-
14 moving party no later than 3:00 p.m. Pacific Time on the day the moving
15 party intends to file the *ex parte* application advising the non-moving party
16 that an application will be filed and the nature of the application, and further
17 advising the non-moving party that, due to a particular urgency, the moving
18 party requires the non-moving party to respond on the schedule provided in
19 the Local Rules. The moving party shall provide the foregoing notice for *ex*
20 *parte* applications filed with the District Judge as well.

21 5. By agreeing to the *ex parte* application protocols provided for herein, no party
22 is waving any argument regarding the propriety of resort to an *ex parte*
23 application, rather than a noticed motion. Additionally, no party is waiving
24 any right, in any particular case, based on good cause, to apply to the Court
25 for additional time, beyond the time provided in Paragraphs 3 or 4 above, to
26 respond to an *ex parte* application.

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3 Dated: September 23, 2013

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5 By: /s/ Steven B. Fabrizio
Steven B. Fabrizio

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21 I, Steven B. Fabrizio, attest that all other signatories listed, and on whose behalf the
22 filing is submitted, concur in the filing's content and have authorized the filing.

23 /s/ Steven B. Fabrizio
24 Steven B. Fabrizio

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